

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL ANGEL MORALES-
ESTRADA,

Defendant.

NO: 2:20-CR-0187-TOR

STIPULATED PROTECTIVE ORDER
REGARDING COMPUTER
FORENSIC REVIEW PROCEDURES
FOR CHILD PORNOGRAPHY
CONTRABAND

BEFORE THE COURT is the Parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband. ECF No. 20. The matter was submitted for consideration without oral argument. Having reviewed the file and the records contained therein, the Court is fully informed.

Good Cause having been shown, the Court hereby Orders that the Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband filed by the parties is GRANTED.

1 ACCORDINGLY:

2 1. IT IS ORDERED that 18 U.S.C. § 3509(m) applies to this case, and the
3 Court is required to deny defense requests to copy, photograph, duplicate, or
4 otherwise reproduce material constituting child pornography if the government
5 makes the material reasonably available to Defendant and provides an ample
6 opportunity for the defense to examine it at a government facility. *See* 18 U.S.C. §
7 3509(m).

8 2. IT IS FURTHER ORDERED that, in order to comply with 18 U.S.C. §
9 3509(m), and to allow Defendant the greatest opportunity to prepare an effective
10 defense in preparation for trial in this matter, the government will make a true
11 forensic, bit-by-bit E01 image of devices and media containing alleged child
12 pornography contraband at issue in the above-referenced case. The government
13 will make that forensic image reasonably available to Defendant and provide
14 ample opportunity for the defense team to examine it at a government facility in
15 Spokane, Washington. The parties may readdress the Court if there is a need for
16 additional or after-hours access during the course of litigation in the event trial or
17 motion hearings require additional forensic review.

18 3. IT IS FURTHER ORDERED that the defense forensic examination will
19 be conducted in an interview room monitored by closed-circuit television (“CC-
20 TV”), without audio feed. While the TV with non-audio feed will ensure the

1 integrity of the review space and security of its occupants, the video feed is not of
2 sufficient detail or at an angle that would reveal defense strategy. The government
3 and its agents expressly agree that no attempt will be made to record any audio
4 from the workstation and that no attempt will be made to observe the defense
5 team's work product or computer monitor screen at any time. The defense expert
6 may review the feed to ensure that defense strategy is not being compromised at
7 any time while conducting the forensic review.

8 4. IT IS FURTHER ORDERED that the defense team¹ shall not make, nor
9 permit to be made, any copies of the alleged child pornography contraband
10 pursuant to this Protective Order and shall not remove any contraband images from
11 the government facility. The defense expert will be allowed to copy any file that is
12 not contraband and compile a report (without contraband images/videos)
13 documenting the examination on removable media at the discretion of the defense
14 expert.

15 5. IT IS FURTHER ORDERED that the designated defense expert, Jennifer
16 McCann, will leave at the government facility any equipment, including hard
17

18 ¹ For purposes of this Protective Order, the term "defense team" refers solely
19 to Defendant's counsel of record ("defense counsel"), Defendant's designated
20 expert ("defense expert"), and a defense investigator.

1 drives, which contain child pornography contraband that is identified during
2 forensic evaluation. The parties may readdress this matter with the Court upon
3 notice that the defense intends to retain a different defense expert.

4 6. IT IS FURTHER ORDERED that for the purpose of trial, the government
5 agrees to make available a digital copy of any government trial exhibit that
6 contains contraband, which will be kept in the custody and control of the case
7 agent. Upon reasonable notice by the defense, the case agent will also maintain for
8 trial digital copies of any proposed defense exhibit that contains contraband. If the
9 defense team intends to offer, publish, or otherwise utilize any government or
10 defense exhibit contained on the digital copy maintained by the case agent during
11 trial, the case agent shall assist the defense team in publishing or utilizing the
12 exhibit that contains contraband upon notification by the defense team.

13 The District Court Executive is hereby directed to enter this Order and
14 furnish copies to counsel.

15 DATED January 20, 2021.



Thomas O. Rice
THOMAS O. RICE
United States District Judge